

## **EXHIBIT D**

**In The Matter Of:**  
*DR. KAMIAR ALAEI v.*  
*STATE UNIVERSITY OF NEW YORK, et al.*

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*HAVIDAN RODRIGUEZ*  
*April 12, 2021*

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*Min-U-Script® with Word Index*

HAVIDAN RODRIGUEZ

1

1 STATE OF NEW YORK

2 COURT OF CLAIMS

3 ----- :

4 In the Matter of the Claim by

5 DR. KAMIAR ALAEI,

6 Claimant,

7  
8 - Against -

Claim Number:

9 132554

10 STATE UNIVERSITY OF NEW YORK,

11 STATE UNIVERSITY OF NEW YORK AT ALBANY,

12 and THE STATE OF NEW YORK,

13 Respondents.

14 ----- :

15 DEPOSITION of: HAVIDAN RODRIGUEZ

16 (Respondent Agent)

17  
18 Monday, April 12, 2021

19 1:02 p.m. - 3:30 p.m.

20  
21  
22 HELD: Via Zoom Video Conferencing

23  
24 Reported by: Deborah M. McByrne

HAVIDAN RODRIGUEZ

2

1 APPEARANCES: (All via Zoom)

2  
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10  
11  
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20  
21 ALSO PRESENT:

22 Dr. Kamiar Alaei

HAVIDAN RODRIGUEZ

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1 S T I P U L A T I O N S

2  
3 IT IS HEREBY STIPULATED, by and between the  
4 attorneys hereto, that:

5 All rights provided by the C.P.L.R, and  
6 Part 221 of the Uniform Rules for the Conduct of  
7 Depositions, including the right to object to any  
8 question, except as to form, or to move to strike  
9 any testimony at this examination is reserved; and  
10 in addition, the failure to object to any question  
or to move to strike any testimony at this  
examination shall not be a bar or waiver to make  
such motion at, and is reserved to, the trial of  
this action.

11 This deposition may be sworn to by the  
12 witness being examined before a Notary Public other  
13 than the Notary Public before whom this examination  
14 was begun, but the failure to do so or to return the  
original of this deposition to counsel, shall not be  
15 deemed a waiver of the rights provided by Rule 3116  
of the C.P.L.R, and shall be controlled thereby.

16 The filing of the original of this  
17 deposition is waived.

18 IT IS FURTHER STIPULATED, that a copy of  
19 this examination shall be furnished to the attorney  
for the witness being examined without charge.  
20  
21  
22  
23  
24  
25

## HAVIDAN RODRIGUEZ

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1                                   HAVIDAN RODRIGUEZ,  
2                   was called as a witness, and having been first  
3                   duly sworn, was examined and testified as  
4                   follows:

5           EXAMINATION BY

6           MR. CASTIGLIONE:

7   Q.   Good afternoon. My name is Joe Castiglione. I'm an  
8           attorney with the law firm of Young Sommer. We  
9           represent Dr. Kamiar Alaei concerning claims he has  
10          against the State of New York in the New York State  
11          Court of Claims regarding his employment while with  
12          the State University of New York at Albany. Just  
13          for clarification, when I reference SUNY Albany or  
14          the University, I'm referring to the State  
15          University of New York at Albany.

16                   I'm here to ask you questions to probe  
17          your knowledge about what information you might  
18          have, the documents you may have reviewed, what  
19          understanding you might have about issues of concern  
20          in the lawsuit. Your attorney may place objections  
21          during my questioning. That's for purposes of  
22          preserving legal objections for the record. You  
23          still have to answer the question, unless otherwise  
24          directed not to.

25                   The stenographer is here to swear you

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1 under oath. She's here to create a transcript of  
2 what we're talking about today. Because she's  
3 creating a transcript, when I ask a question, let me  
4 ask my full question, then you can answer simply  
5 because she can't type both of us talking at the  
6 same time.

7 If you give an answer, please  
8 articulate your answer. She can't record a nod or a  
9 sound, so, you know, please make sure you articulate  
10 your response. Everything is on the record, unless  
11 we, otherwise, agree to both go off the record.

12 If I ask a question, please respond to  
13 the best of your ability. If you don't understand a  
14 question that's presented, please ask me and I can  
15 rephrase it. We'll try to work around it.

16 If at any point you need to take a  
17 break, let us know. If you want to speak to your  
18 counsel, let us know. That's fine. If a question  
19 is posed to you first before a break, you have to  
20 answer the question, then you can go on the break or  
21 speak to your counsel.

22 Is there any reason today that you  
23 can't respond truthfully or accurately to the  
24 questions presented to the best of your ability?

25 A. There is no reason.

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1 Q. Okay. Did you review any documents in advance of  
2 today's deposition?

3 A. There were a number of documents that I reviewed,  
4 yes.

5 Q. Were those documents -- strike that.

6 What were those documents, if you  
7 recall?

8 A. There were a series of documents pertaining to this  
9 case, actually, that I received from your office  
10 in -- regarding a lawsuit presented by you and your  
11 client.

12 Q. Was there anything related to this matter that you  
13 reviewed?

14 A. Those -- Essentially, those documents that I  
15 received.

16 Q. Okay. Did you have any conversations with anybody  
17 in preparation for today's deposition?

18 A. Besides my attorney's, no.

19 Q. Correct. Okay.

20 Can you explain to me your current  
21 employment?

22 A. I'm the President here at the University at Albany  
23 of the State University of New York.

24 Q. And how long have you held that position?

25 A. A little bit over three and half years, so about



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1 three and a half years.

2 Q. So would that be it starting -- or sorry. Would  
3 that be in January 2018 forward; that would cover  
4 that time period?

5 A. It would cover that time period, yes.

6 Q. Okay. Can you explain to me the responsibilities of  
7 your position? As President, you don't have to  
8 identify everyone, but just give me the general  
9 responsibilities of your office.

10 A. I oversee the entire University. I'm the Chief  
11 Executive Officer for the University at Albany,  
12 which means that everything that happens under -- at  
13 the University is under my purview. Obviously, I  
14 have an Executive Council, a Vice President and  
15 others that report to me. But essentially, as the  
16 Chief Executive Officer, I am responsible for the  
17 administrative and academic functionings of this  
18 institution.

19 Q. Okay. If I can show you what's been  
20 previously -- and I'm going to share the screen.  
21 I'm going to show you what's been previously  
22 identified as Claimant's Exhibit A-1.

23 Claimant's Exhibit A-1 is a letter  
24 from SUNY Albany to Dr. Kamiar Alaei, dated  
25 February 8, 2018, from Randy Stark. If you could

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1 just take a look at this letter. Are you familiar  
2 with what this document is?

3 A. Yes, I am.

4 Q. Is it fair to say this is the document that conveyed  
5 to Dr. Alaei that he was going to be on alternative  
6 assignment, pending a disciplinary investigation?

7 A. I haven't seen the rest of the document, but that  
8 sounds right.

9 Q. Okay. I can scroll down slowly for your review.  
10 That's fine.

11 A. And the question again was, please?

12 Q. Is it fair to say this is the document that advised  
13 Kamiar Alaei that he was being put on alternative  
14 assignment, pending a disciplinary investigation by  
15 SUNY Albany?

16 A. Yes, it is.

17 Q. Okay. When did you first learn about the grounds  
18 raised for SUNY Albany to conduct this disciplinary  
19 investigation and issue this letter?

20 A. I couldn't tell you exactly when it was. We have  
21 a -- as you might imagine, as President of this  
22 University, I oversee functions and operations  
23 related to a little bit about -- roughly, around  
24 22,000 people, including 17,700 students. And so I  
25 get notifications all the time regarding a variety

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1 of issues. But obviously, it was prior to the date  
2 of this letter.

3 Q. All right. So it was prior to the date of this  
4 letter, maybe around the time of this letter?

5 A. Probably before -- obviously, before this letter was  
6 issued.

7 Q. Okay. Do you recall what the grounds were that led  
8 to SUNY invoking this disciplinary investigation and  
9 placing Dr. Alaei on alternative assignment?

10 A. There was an investigation being conducted through  
11 Title IX issues, as well as management of funds at  
12 the University.

13 Q. Okay. So was it, essentially, a joint investigation  
14 between Title IX office and Office of Human Resource  
15 Management?

16 A. I would say so. And if it was related to finances,  
17 research, it -- perhaps the Research Foundation was  
18 involved as well.

19 Q. Okay. Did you participate in this investigation  
20 concerning Dr. Alaei?

21 A. This investigation, I did not.

22 Q. Do you know who was charged with gathering  
23 information and conducting the investigation?

24 A. There were a number of offices that were charged.  
25 Obviously, Human Resources, of course, legal counsel

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1 and, I believe, perhaps the Research Foundation, in  
2 terms of how funds were spent from the different  
3 accounts from the GIHHR.

4 Q. And yes, if I refer to GIHHR, just so it's clear,  
5 I'm referring to the Global Institute on Health and  
6 Human Resources; is that understood?

7 A. That's understood.

8 Q. Okay. Was anybody overseeing the investigation  
9 conducted by these various offices, if it was Title  
10 IX, if it was Human Resource Management and other  
11 offices, was anyone overseeing that investigation?

12 A. Overall, Human Resources was in charge of the  
13 investigation.

14 Q. Okay. Did anyone report to your office, over time,  
15 about the status of the investigation as it was  
16 moving along?

17 A. I was provided updates regarding the investigation,  
18 particularly the outcomes of the investigation.

19 Q. Okay. And do you know whose -- strike that.

20 Who was ultimately charged with the  
21 decision about -- making the decision, I'm sorry,  
22 about whether Dr. Alaei had violated any SUNY Albany  
23 policies to justify imposing discipline?

24 A. Can you repeat that again, please?

25 Q. Sure.

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1 Who was charged with the ultimate  
2 determination about whether Dr. Alaei had violated  
3 any SUNY Albany policies to justify imposing  
4 discipline?

5 A. I don't think the -- those who investigated make a  
6 determination. They present the evidence, the data,  
7 it's reviewed, in this case by Human Resources,  
8 legal counsel, and then those findings are presented  
9 to me.

10 Q. So you ultimately decide whether or not there's a  
11 violation to justify imposing discipline; is that  
12 fair to say?

13 A. I base my -- I get information from the  
14 corresponding parties, as I had mentioned before,  
15 and get recommendations and I use those  
16 recommendations to ultimately make a final  
17 determination.

18 Q. Okay. Do you know who was involved in making  
19 decisions about Dr. Alaei's employment after this  
20 2018 February 8 letter?

21 A. Regarding?

22 Q. So not the investigation, about generally his  
23 employment.

24 A. There's a number of people. He responds to a -- or  
25 he was under the directional supervision of a Dean

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1 and, of course, the Provost of the University as  
2 well.

3 Q. And would that have been Dean Harvey Charles and  
4 Provost James Stellar?

5 A. That's correct.

6 Q. Okay. Do you recall when the investigation  
7 concerning Dr. Alaei, identified in this Claimant's  
8 Exhibit A-1, this February 8, 2018 letter, when it  
9 concluded?

10 A. I don't -- I can't give you exact dates. No, I  
11 cannot.

12 Q. Okay. Do you recall what the conclusion was as a  
13 result of the investigation?

14 A. I do.

15 Q. What was that conclusion, as you recall?

16 A. As I recall, and provided by legal counsel here at  
17 the University, there were no findings regarding  
18 mismanagement of funds; that is, everything seemed  
19 to be under order. And there were no specific  
20 conclusions reached regarding Title IX issues,  
21 because at the end of the day, we -- there were no  
22 people that wanted to move forward with this  
23 investigation.

24 Q. So you're saying that there was -- nobody reached a  
25 conclusion about whether or not the allegations

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1 under Title IX or being investigated by Title  
2 IX -- nobody reached a conclusion about whether  
3 there was any merit to those allegations?

4 A. At this point in time, there was no evidence to say  
5 that there were any merits to the investigation.

6 Q. Okay. I understand.

7 Do you recall if Office of Human  
8 Resources Management concluded whether there was any  
9 basis to impose discipline against Dr. Alaei as a  
10 result of the investigation?

11 A. There were concerns regarding whether to impose  
12 discipline or not, yes.

13 Q. Well, do you recall if they had concluded whether  
14 there was any basis to impose discipline?

15 A. I don't recall that, no.

16 Q. Okay. Are you aware of efforts to pursue  
17 non-renewal of Dr. Alaei's employment in the spring  
18 of 2018?

19 A. I am.

20 Q. Did you have any involvement in those efforts?

21 A. Again, as President of the University, when there is  
22 a -- When there's recommendation or there is a plan  
23 to non-renew someone or discontinue with a project  
24 or center or an operation, those ultimately come to  
25 me, yes.

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1 Q. Okay. I'm going to refer you to what's been  
2 previously identified as Claimant's Exhibit B-8.  
3 Claimant's Exhibit B-8 is a letter from SUNY Albany  
4 dated August 10, 2018, to Dr. Alaei. If you could  
5 just take a quick look at this.

6 Do you recall a time,  
7 President Rodriguez, when Dr. Alaei -- or there was  
8 a determination by SUNY to terminate Dr. Alaei's  
9 appointment effective August 10, 2018?

10 A. Yes, that decision was made and I was aware of the  
11 recommendation and final determination.

12 Q. Did somebody make a recommendation to you about  
13 whether or not to terminate Dr. Alaei's appointment  
14 effective August 10, 2018?

15 A. Yes, and it was -- and it was about making some  
16 significant changes to the GIHHR, given the planning  
17 of the University and our initiatives moving  
18 forward.

19 Q. Okay. Did you ultimately make the determination to  
20 elect to terminate Dr. Alaei's employment?

21 A. At the end of the day, these recommendations come to  
22 me. And although I don't have a say in every single  
23 personnel decision that's made at the University,  
24 yes, ultimately, I'm responsible for these  
25 decisions.



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1 Q. Okay. Do you -- Can you explain to me what the  
2 basis of the decision to elect to terminate  
3 Dr. Alaei's employment, effective August 10, 2018?

4 A. Like I stated previously, the University, especially  
5 since my arrival at the University at Albany, we've  
6 been make significant changes, administrative  
7 changes, structural changes. What we saw that would  
8 align well with the priority of the institution and  
9 what did not.

10 And so the decision was that we would  
11 be closing the Global Institute for Health and Human  
12 Rights, and this has occurred among a number of  
13 other administrative changes and other processes and  
14 decisions that were made in terms of the  
15 reorganization of the University. And as a  
16 consequence, when we decided to close or do away  
17 with the Global Institute of Health and Human  
18 Rights, then we did not need a director of the  
19 institute.

20 Q. Okay. Going back to Claimant's Exhibit A-1, are you  
21 aware of who determined to start this disciplinary  
22 investigation concerning Dr. Alaei?

23 A. Who, specifically, started the investigation or who  
24 made the recommendation to start investigation?

25 Q. Yeah, who made the decision that the investigation

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1 needed to start concerning disciplinary  
2 investigation about Dr. Alaei?

3 A. I'm not exactly -- who exactly started the  
4 investigation. There were some concerns that were  
5 raised with the University, whether they came first  
6 through Human Resources through Title IX, I cannot  
7 recall, but depending on the issue, it was either/or  
8 Title IX or Human Resources based on the information  
9 they received. It was a coordinated effort, of  
10 course.

11 Q. Are you familiar with this Claimant's Exhibit A-1  
12 refers to the agreement between the State of New  
13 York and United University Professions? Are you  
14 familiar with that agreement?

15 A. Yes, I am.

16 Q. Okay. And if -- I'll show you what had been  
17 previously identified as Claimant's Exhibit K. And  
18 if you could take a look. And it's identified as  
19 the agreement between United University Professions  
20 and the State of New York, this one for July 2011  
21 and July 2016. And this is the long document here.  
22 It's a long, you know, overall document.

23 But when I refer to UUP agreement, I'm  
24 referring to this agreement, agreement between  
25 United University Professions and the State of New

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1 York for 2018; is that clear?

2 A. Yes, it is.

3 Q. Were you aware of the provisions of the UUP  
4 agreement governing the disciplinary process at the  
5 time in 2018?

6 A. I'm, generally, aware of it, but as you can see in  
7 your exhibit, this is a document of 130 pages. So I  
8 can't cite and quote and say that I'm familiar with  
9 all the provisions. But then again, we have staff  
10 at the University and offices at the University that  
11 are charged to manage the situations and ensure that  
12 the University abides by the provisions provided in  
13 this document.

14 Q. Okay. As far as you recall, for this investigation  
15 concerning Dr. Alaei, who was charged with making  
16 sure that the disciplinary investigation or the  
17 Title IX investigation portion was done in  
18 accordance with Dr. Alaei's rights under the UUP  
19 agreement?

20 A. There's also consultation with the corresponding  
21 offices, in this case, Human Resources, the Title IX  
22 office and legal counsel. So it is their  
23 responsibility to assure me that we are following  
24 all the provisions stipulated in these types of  
25 documents.

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1 Q. Okay. So for here, it would be Human Resource,  
2 Title IX, legal counsel, where the people you were  
3 relying on to ensure compliance with the UUP  
4 agreement?

5 A. That's correct.

6 Q. Okay. At that time, how many of these disciplinary  
7 investigations or and/or alternative assignments had  
8 been involved with beforehand?

9 A. More broadly speaking, we have made -- since I  
10 arrived here at the University, we have made a  
11 variety of changes toward a number of units. And  
12 let me just mention a few so you put this into a  
13 broader context of what's happening at the  
14 University and the reorganization of the  
15 institution.

16 Some, like in this case, are leading  
17 to this particular situation and the overwhelming  
18 majority of others, were resolved without any issue.  
19 So when I arrived here, we had a program called  
20 Albany Promise that -- it's a collaborative  
21 initiative between the University and the City of  
22 Albany, which serviced some of our local schools.  
23 That program was not operating effectively and we  
24 decided to imbed that program within the school of  
25 education.

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1                   Thus, we made some administrative  
2                   changes there, some of the people working in those  
3                   positions were released and Albany Promise in the  
4                   new form was embedded in the School of Education.

5                   We also had the Center for  
6                   International Development. Again, given the  
7                   priorities of the University, we decided to close  
8                   that center. The Director of the center and other  
9                   staff that were at the Center, some were externally  
10                  funded, so they -- their employment ceased and I  
11                  think we're in the process of finalizing that entire  
12                  process.

13                  When I came in, the Vice President for  
14                  information technology accepted a job elsewhere at  
15                  another institution of higher education. So I  
16                  decided to take information technology, the entire  
17                  unit and imbed it within the Vice President for  
18                  finance and administration and we did away with the  
19                  Vice President position and that entity as well.

20                  Also, we had some issues, in terms of  
21                  the operations of how the Office of Communications  
22                  and Marketing was functioning. So we took that  
23                  entire unit. We didn't need a Vice President for  
24                  that unit, so that person left the institution and  
25                  we embedded the Office of Communications and

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1 Marketing within the Division of Advancement.

2 Just recently, we did a careful  
3 analysis of our schools and colleges and we decided  
4 that the School of Criminal Justice would no longer  
5 operate as an independent identity; that it would be  
6 embedded within the College of -- Rockefeller  
7 College. And so again, that Dean was removed from  
8 Dean of the School of Criminal Justice and now we  
9 have a Dean that oversees both units.

10 And also, as I came in, we had a Vice  
11 President for compliance. Given my expertise in  
12 disaster and emergency management, we decided that  
13 we did not need that position and we created a whole  
14 enterprise, if you will, which is the Office of  
15 Enterprise Risk Management, which manages all our  
16 issues with disasters, emergency preparedness and  
17 things of that nature.

18 So as you can see, this is part of a  
19 broader sort of replanning or restructuring of the  
20 University. And as part of this, the GIHHR was part  
21 of this determination. So it was not that GIHHR was  
22 selected exclusively for these changes, but this was  
23 part of an overall restructuring of the University  
24 which continues to date.

25 Q. Okay. In terms of disciplinary investigations that

1           were being performed, how many have you participated  
2           in in your role as President over time?

3       A.    I really can't answer that question. I don't recall  
4           a number. There's been a few. And typically, when  
5           there are disciplinary actions that may result in  
6           termination of employment or separation from the  
7           University, obviously, the person needs to be  
8           engaged and informed about these decisions, but I  
9           can't remember how many have taken place since I've  
10          been here.

11       Q.   Okay. In this disciplinary letters, this  
12           February -- I'm sorry, I'm going to refer back to  
13           it. It's the -- in here. This alternative  
14           assignment, it talks about Dr. Alaei. It says:  
15           "You will you have no professional obligations that  
16           require or warrant your presence on University  
17           facilities."

18                               Do you know why it was required that  
19           Dr. Alaei not have presence at University facilities  
20           as part of this alternative assignment?

21       A.    Just a couple of things. And just one point of  
22           clarification, because you're referring to this as a  
23           disciplinary letter. And this is not a disciplinary  
24           letter. It's a letter informing Dr. Alaei that  
25           there's going to be a disciplinary investigation.

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1 And so there's a big difference between it being a  
2 disciplinary letter and a letter informing Dr. Alaei  
3 that there's going to be a disciplinary  
4 investigation.

5 And so typically, when we have  
6 concerns at a University of issues that might be  
7 sort of developing, we take certain measures. And  
8 so this is not the first time that we do something  
9 similar to this.

10 Q. Okay. If I can refer you now to an e-mail which was  
11 previously identified as Claimant's Exhibit A, sub  
12 2.

13 Claimant's Exhibit A, sub 2, is an  
14 e-mail from Brian Selchick to others concerning the  
15 alternative assignment and disciplinary  
16 investigation. It's dated February 8, 2018. In  
17 this letter, Mr. Selchick refers to relieving KA,  
18 referring Dr. Alaei, of his card access and keys.  
19 Do you know why that was required in this matter?

20 A. Again, in terms of these types of investigations,  
21 sometimes this is standard operating process and  
22 procedure. I can't say that in every case this  
23 happens, but it is not out of the ordinary for this  
24 to happen.

25 Q. In terms of this e-mail here, Claimant's Exhibit



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1 A-2, it also refers to Dr. Alaei being relieved of  
2 his e-mail access. Why was that decided?

3 A. Again, this is part of the decisions that are made  
4 within the University, and so there are  
5 recommendations made. If we agree with the  
6 recommendations, then we proceed accordingly.

7 Q. Did somebody make that recommendation to you, that  
8 Dr. Alaei not have access to his e-mail while he was  
9 on alternative assignment?

10 A. I can't recall that it was or that it wasn't. But  
11 all these things don't necessarily have to come to  
12 the President for final approval. Remember, you  
13 know, we're running -- I'm running a University  
14 that's equivalent a city of 21,000 people. So not  
15 everything that transpires needs to come to the  
16 office the President, but in these types of  
17 circumstances, yes, we are informed and we are  
18 knowledgeable of what's going to transpire,  
19 generally speaking.

20 Q. Did your office direct Office of Human Resource  
21 Management to take away Dr. Alaei's e-mail access?

22 A. If there was a recommendation, we agreed with the  
23 recommendation or not. And so if this was the case,  
24 I assume that it potentially came to my office and  
25 we said we have no issues with it and Human

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1 Resources proceeded accordingly.

2 Q. And so as you recall, somebody would have made a  
3 recommendation to you that his e-mails be  
4 removed -- or his e-mail access be removed and you  
5 approved the recommendation versus you directing  
6 Human Resources to remove e-mail access; is that  
7 fair to say?

8 A. That is fair to say. I won't -- I -- As President,  
9 I won't say "this needs to be done" or "that needs  
10 to be done." I obtain and I get recommendations and  
11 I decide whether I agree with the recommendations or  
12 not.

13 Q. Okay. Do you know what the -- strike that.

14 Is it typical for people to have their  
15 e-mail access removed while on alternative  
16 assignment?

17 A. I think it varies with the situation, but it's not  
18 out of the ordinary.

19 Q. Are you aware if there's any basis in the UUP  
20 agreement to remove access keys or e-mail access?

21 A. I did not understand that question.

22 Q. Sure. Are you aware of any basis in the UUP  
23 agreement that allows for an employee on alternative  
24 assignment to have his e-mail access removed or his  
25 card access keys removed?

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1 A. I can't -- I really can't answer that question. I  
2 would have to review the entire UUP agreement to see  
3 if there's something in there. But again, that's a  
4 University determination.

5 Q. I'm going to refer you to what's been previously  
6 marked as Claimant's Exhibit A-3. I'm trying to  
7 refer to you A-3.

8 Okay. Claimant's Exhibit A-3 includes  
9 a -- nope, that's not it. That's A-2.

10 Claimant's Exhibit A-3, I'm sorry,  
11 includes an e-mail from Karl Rethemeyer,  
12 R-E-T-H-E-M-E-Y-E-R, dated February 2018. It  
13 states, in part: "Referring to the GIHHR website,  
14 we will also need to change all references to KA,"  
15 referring to Dr. Alaei.

16 Do you know why there was a need to  
17 change all references to KA while he was on  
18 alternative assignment during this investigation?

19 A. I'm not going to guess why that was stated there,  
20 but if Dr. Alaei was -- appeared at the website as  
21 Director of the GIHHR and things of that nature,  
22 that would need to be removed because that was no  
23 longer the case, I assume.

24 Q. Okay. Do you know if it's typical to remove  
25 employee's references on SUNY Albany websites while

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1           they're on alternative assignment?

2       A.     It all depends what's on the website. In one of the  
3           changes that I referred to you, if there appears to  
4           be a Dean of Criminal Justice and we just made the  
5           change to the Dean of Criminal Justice, we would,  
6           obviously, remove reference to the Dean of Criminal  
7           Justice because now the School of Criminal Justice  
8           would report to the Dean of Rockefeller College.

9                        So clearly, there have to be changes  
10          and updates to the website to provide our audiences,  
11          both internal and external the correct information.

12       Q.     In this case, is it the changes were needed, even  
13           though the investigation was just starting and  
14           hadn't concluded?

15       A.     If he's put on alternative assignment, the answer  
16           would be yes.

17       Q.     Okay. If I can refer you to what had been  
18           identified as Claimant's Exhibit A-4. Claimant's  
19           A-4 includes an e-mail -- jeez, why is this doing  
20           this?

21                       Claimant Exhibit A-4 includes an  
22          e-mail from Harvey Charles, dated February 8, 2018,  
23          Title: "An invitation to a GIHHR-wide meeting  
24          Friday, 2/9," sent to a number of individuals.

25                       In this E-mail, Dr. Charles is

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1       advising people there's going to be a meeting on  
2       Friday, February 9th, regarding leadership of the  
3       GIHHR. Did you have any input on the content of  
4       this e-mail before it was sent?

5     A.    I can't remember the e-mail, so I can't remember  
6       that I had any input into it.

7     Q.    Okay. Do you recall SUNY Albany personnel holding a  
8       meeting on February 9 to discuss the leadership of  
9       the institute, as reflected in this -- in this  
10      e-mail?

11    A.    Well, there were multiple meetings regarding the  
12      changes and the need to meet with constituent  
13      groups, including students and others that were part  
14      of the GIHHR. So I know there were a number of  
15      meetings, yes.

16    Q.    Do you recall, specifically, this first meeting on  
17      February 9 with personnel regarding GIHHR?

18    A.    I wasn't at the meeting. I didn't participate in  
19      the meeting. So I don't recall what transpired at  
20      the meeting.

21    Q.    Are you aware of any concerns that were raised by  
22      individuals that had attended the meeting regarding  
23      conduct and statements that were made by SUNY  
24      personnel at the meeting?

25    A.    I do not.

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1 Q. I'm going to refer you to what has been marked as  
2 Claimant's Exhibit G. Claimant's Exhibit G is two  
3 e-mails, really. It's -- The first one is an e-mail  
4 from K. Williams to James Stellar, dated  
5 February 14, 2018. My understanding is K. Williams  
6 is Kevin Williams, who is a Dean, I believe, with  
7 SUNY Albany. Are you familiar with Kevin Williams?

8 A. I am.

9 Q. Okay. This e-mail states: "I am forwarding, with  
10 permission from the author, this e-mail to you.  
11 This student expresses several concerns that I have  
12 also heard and sensed from GIHHR Board Members to  
13 Harvey's e-mail. This student has been around since  
14 before GIHHR began. She was involved in the initial  
15 grant, for which I was PI, that provided higher  
16 education opportunities for politically at-risk  
17 students. She and others are not happy with how  
18 this is being handled. I think you should know  
19 their concerns."

20 Were you aware of Dr. Williams sending  
21 this e-mail from a student to Provost Stellar at the  
22 time after this February 9 meeting?

23 A. I can't recall that I have seen this message, no.

24 Q. Okay. I'm going to scroll down now to an e-mail  
25 which we're going to identify as just "from

1 student," rather than give the name. It's dated  
2 February 14, 2018. It's to Dr. Williams. It says:  
3 "Subject: Concern regarding Dr. Alaei and beyond."  
4 I'm going to refer you to the first par -- or the  
5 second paragraph, I'm sorry, of this e-mail on page  
6 1.

7 This e-mail says: "I am sending this  
8 e-mail, as I am very concerned about another matter,  
9 and I was wondering if I can share it with you. On  
10 Friday, I attended a meeting organized by the  
11 leadership of the University to discuss the  
12 leadership of GIHR. I was quite shocked about what  
13 I heard at the meeting. I could not believe my eyes  
14 and ears. The dynamic of the session was rather  
15 bizarre.

16 I totally understand that for a  
17 high-rank person like Dr. Alaei issues may emerge  
18 that may require further scrutiny on the side of the  
19 University, and I would certainly appreciate it, but  
20 the meeting was organized in a manner that implied  
21 the decision had been made through a very short  
22 process that, by the way, could not be transparently  
23 discussed with other members in the community. This  
24 dynamic did not seem to be fair to me as a citizen  
25 of the University."

1 Are you aware of concerns being raised  
2 by individuals that attended that meeting similar to  
3 what are identified in this student's e-mail?

4 A. I cannot say that I did. I know there was some  
5 concerns about the meeting and some concerns that  
6 were put forward. But, no, generally speaking,  
7 that's it.

8 Q. Okay. This student, on the next page in the first  
9 full paragraph, states, in part: "Moreover, I was  
10 quite shocked to see that the organizers of the  
11 meeting did not seem to be interested in the  
12 inquiries of the students regarding the GIHHR  
13 leadership. Obviously, Dr. Alaei was not allowed in  
14 the meeting. He was not able to defend himself,  
15 vis-à-vis, the accusations that were vaguely and  
16 implicitly projected here and there."

17 The student continues saying: "I  
18 certainly have not been feeling safe at the  
19 University since after the meeting that I attended  
20 on Friday."

21 The student continues. At the end of  
22 her e-mail, she says: "I'm so sorry for bothering  
23 with you this long and rather emotional e-mail, but  
24 the Friday meeting's quite similar to the travel ban  
25 meeting in the manner it was organized. One could



1 feel a very strong, yet implicit cultural and racial  
2 dynamic in place. The current dynamic of the U.S.  
3 is strongly to the disadvantage of the minority  
4 communities, especially those who are citizens of  
5 the so-called profaned countries. We are hoping  
6 that this prestigious and inclusive institution does  
7 not replicate the political climate."

8 Were you aware of this student or  
9 others raising concerns about their own safety and  
10 concerns with racial and cultural dynamics being in  
11 place as part of this investigation and as part of  
12 the efforts by SUNY personnel regarding GIHHR at the  
13 time?

14 A. In the context of this meeting, the answer is no.  
15 And I wasn't at the meeting. I don't know what was  
16 said at the meeting. I actually don't know who  
17 attended the meeting. But I can say that on behalf  
18 of UAlbany, we have strong leadership and  
19 very -- and leadership that's very concerned about  
20 the well-being of this institution and the  
21 well-being of our students at the University at  
22 Albany.

23 So if any issues or concerns were  
24 raised of this matter, I'm quite confident that the  
25 leadership of this institution and those that report

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1 to me would have taken concrete actions to address  
2 these issues.

3 Q. Are you aware of somebody named Elizabeth Grey at or  
4 around the time of this e-mail, this February 2018  
5 e-mail from this student relating Dr. Alaei  
6 investigation?

7 A. I know who Elizabeth Grey is, yes.

8 Q. Are you aware of whether Ms. Grey had raised  
9 concerns during an interview with Chantelle Cleary  
10 that some of the issues being raised by SUNY Albany  
11 to investigate Dr. Alaei may have been based on  
12 cultural differences?

13 A. I have no idea of that or knowledge of that.

14 Q. Do you know if anyone at SUNY took any steps -- SUNY  
15 Albany, I'm sorry -- anyone at SUNY Albany took any  
16 steps to address concerns of racism or cultural  
17 differences in play as part of this investigation?

18 A. We have -- At the University at Albany, we have a  
19 very strong commitment to diversity, equity and  
20 inclusion. And every and anytime that these issues  
21 are brought to the attention of the University, we  
22 address these issues in a very systematic manner.  
23 We put the offices in charge and the personnel in  
24 charge of these issues to systematically address  
25 these issues.

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1                   And so if there are any concerns or  
2                   there are any issues that are brought to our  
3                   attention, we have an office of diversity, equity  
4                   and inclusion. We have student affairs. We have  
5                   the Dean of Students, among others that their  
6                   responsibility is to investigate these issues,  
7                   whether it be in this particular case -- and I'm not  
8                   sure that this was raised as an issue or not, or in  
9                   any other type of situation. This University takes  
10                  these cases very, very seriously and ultimately  
11                  we're strongly, strongly committed to the health,  
12                  the safety and well-being of our campus community.

13       Q.       So what, specifically, did SUNY Albany do in  
14                  response to the student's e-mail about not feeling  
15                  safe and about having concerns with the  
16                  investigation and treatment of Dr. Alaei involving  
17                  racial dynamics and cultural differences?

18       A.       Like I said before, I don't know that this was  
19                  raised in any previous occasion, but I am confident  
20                  that if it was raised, that there were initiatives  
21                  to address these particular types of issues. So I  
22                  don't know that the issue was raised and where it  
23                  was raised and what actions were taken, because  
24                  there's many, many actions that are taken here at  
25                  the University at Albany.

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1 And as part of this, as I said before,  
2 and part of our commitment and mission and vision as  
3 an institution is to ensure, as a diverse  
4 institution of higher education, that we  
5 systematically address these issues.

6 Q. But for this specific e-mail with this student,  
7 Claimant's Exhibit G, Kevin Williams had sent it to  
8 James Stellar and raised the concern. Do you know  
9 if anyone at SUNY undertook any specific course of  
10 action to address these concerns?

11 A. I cannot answer the question, for the reasons I just  
12 told you. So I think this is a conversation you  
13 need to have with Kevin Williams and  
14 Provost Stellar. I can tell you about the process  
15 and I can tell you about the -- what the process  
16 that we pursue in order to address these issues and  
17 I am -- I assume that they were followed here by our  
18 administrative staff and leadership at the  
19 University.

20 Q. So in other words, you would be relying on  
21 additional staff or the offices conducting the  
22 investigation to make sure they were addressing in a  
23 proper manner concerns raised by people about racism  
24 or cultural differences concerning the treatment of  
25 Dr. Alaei as part of this investigation; is that

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1 fair to say?

2 A. That is fair to say. As I said before, as an  
3 institution of over 21,000 individuals, we have  
4 processes, we have policies, guidelines, offices and  
5 personnel in place to address these issues. As you  
6 might imagine, not all these issues come to the  
7 office of the President.

8 Q. Sure.

9 I want to refer you to what's been  
10 identified as Claimant's Exhibit A-6. Claimant's  
11 Exhibit A-6 includes e-mails from Brian Selchick to  
12 others, dated February 9, 2018. The retittle is:  
13 "Invitation to speak at Los Alamos National  
14 Laboratory June 14th."

15 If you scroll down, there's e-mails  
16 between Jon Ventura and Kamiar Alaei, dated  
17 February 8, 2018, about a speaking engagement where  
18 they were requesting that Dr. Alaei sit on a panel  
19 with a North Korean refugee and U.S. Ambassador to  
20 the U.N., Nikki Haley, to give a presentation about  
21 his experiences inside Iran while he was wrongfully  
22 imprisoned there.

23 Dr. Alaei was asking James Dias for  
24 permission. It was sent along, apparently, to  
25 Harvey Charles, and then it was sent along to

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1 Brian Selchick and ultimately, it was determined  
2 that Dr. Alaei was able to participate as a private  
3 citizen, but not as a representative of the  
4 University.

5 Are you aware of this prohibition on  
6 Dr. Alaei from participating in these private  
7 speaking engagements and identifying himself as an  
8 affiliate or representative of the University at the  
9 time?

10 A. Again, I have to reiterate that the President  
11 doesn't know the details of all these issues, and  
12 all these issues do not come to the Office of the  
13 President. Again, if he is -- if he is no longer  
14 serving in the capacity as Director of the center,  
15 then he is no longer officially representing the  
16 center, thus cannot speak on behalf of the center of  
17 the University. So again, this is not anything  
18 that's out of the ordinary.

19 Q. Would it be out of the ordinary to prohibit an  
20 employee that's on alternative assignment from  
21 identifying themselves as an employee of University  
22 at Albany?

23 A. I'm not sure if that was the case.

24 Q. Okay. But are you aware of whether that's usually  
25 part of the alternative assignment process where the

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1 person on alternative assignment is not able to  
2 participate in events and represent themselves as an  
3 employee or affiliated with SUNY Albany?

4 A. That can certainly be done, yes.

5 MR. ROTONDI: Can we take that break  
6 now?

7 MR. CASTIGLIONE: Yeah, that's no  
8 problem. Sorry about that.

9 MR. ROTONDI: Thank you.

10 (Whereupon, a recess is taken.)

11 BY MR. CASTIGLIONE:

12 Q. President Rodriguez, just to backtrack for a second,  
13 in terms of Plaintiff -- or Claimant's Exhibit G in  
14 this e-mail from a student raising concerns with the  
15 treatment of Dr. Alaei, did your office receive  
16 directly e-mails or letters from individuals raising  
17 similar concerns?

18 A. If I recall correctly, I think there might be some  
19 e-mails from maybe a couple of people who  
20 constituted Board members for the GIHHR, in  
21 terms -- and I'm not exactly sure if they came  
22 directly to the Office of the President or they went  
23 to the Provost and then were forwarded to me.

24 Q. Okay. And do you recall taking any particular  
25 course of action in response to those e-mails that

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1           were sent or letters that were sent directly to you?

2       A.     If they were sent to me, I believe we sent out some  
3           responses to members of the Board saying the process  
4           and the changes that we were going to be making.

5       Q.     Did you take any particular action concerning the  
6           actual investigation being conducted?

7       A.     I'm not sure what you're referring to.  You're  
8           asking --

9       Q.     Sure.  In response to those e-mails that your office  
10           may have received, besides responding to them  
11           directly, did you take any particular action  
12           concerning the investigation to, you know, ensure it  
13           was addressing any concerns that were being raised  
14           about how the investigation was being conducted or  
15           the treatment of Dr. Alaei?

16      A.     My request has always been, including in this case,  
17           to Human Resources Title IX and legal counsel, to  
18           make sure that we were following proper protocols,  
19           institutional protocols, state guidelines, and  
20           things of that nature to ensure we were abiding by  
21           all the corresponding processes.

22      Q.     Okay.  But do you recall directing that or following  
23           up with Human Resources or Title IX in response to  
24           receiving those e-mails?

25      A.     The e-mails that I saw from the Board Members did



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1 not require follow up with Human Resources. They  
2 were just concerned that Dr. Alaei would no longer  
3 be director of the GIHHR.

4 Q. And we had discussed, if you recall, someone -- I  
5 believe it was Karl Rethemeyer -- raising --  
6 changing all references on the website to KA,  
7 Dr. Alaei.

8 Are you aware of whether or not the  
9 changes to the GIHHR website were simply to just  
10 Dr. Alaei's position as Director of GIHHR or if they  
11 removed him entirely from the website?

12 A. I can't answer that question. I don't know what the  
13 answer to the question is.

14 Q. Okay. If I can refer you to what had been  
15 previously identified as Claimant's Exhibit A-7.

16 Claimant's Exhibit A-7, relevant for  
17 this questioning, is an e-mail from Harvey Charles  
18 dated February 9, 2018, to a number of individuals,  
19 and the subject is GIHHR. If you could just take a  
20 minute to take a look at this.

21 Do you recall Harvey Charles sending  
22 an e-mail to GIHHR Advisory Board members?

23 A. I assumed that he -- I assumed that he did.

24 Q. Okay. Did you have any input on that e-mail before  
25 it was sent out by Harvey Charles to GIHHR Board

1 members?

2 A. I literally get hundreds, if not thousands, of  
3 e-mails and requests, and there is, just as you  
4 might imagine, hundreds, if not thousands, of  
5 letters that are written every day and every week  
6 and every month across the institution. I,  
7 typically, would not get these types of letters, so  
8 I can't say that I recall getting a copy of this  
9 letter or having any input into it.

10 Q. Do you know whether there was any discussion by SUNY  
11 personnel concerning this e-mail, Claimant's Exhibit  
12 A, sub 7, about whether there were any concerns that  
13 it might wrongly violate Dr. Alaei's rights under  
14 the UUP agreement?

15 A. There were discussions that we needed to notify the  
16 Board members and anybody working at the GIHHR what  
17 their next steps would be in this proper.

18 Q. Were there any discussions about whether or not this  
19 e-mail would violate Dr. Alaei's rights under the  
20 UUP agreement?

21 A. I don't think anybody believed they would.

22 Q. Okay. Were there any discussions by SUNY personnel,  
23 SUNY Albany personnel, that this e-mail might  
24 wrongly imply that Dr. Alaei had done something  
25 wrong?

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1 A. Not that I recall.

2 Q. Okay. Do you recall approving this e-mail before it  
3 was sent out?

4 A. Like I said, I receive hundreds, if not thousands,  
5 of e-mails on a regular basis. And so I can't  
6 remember that I received this or edited it or made  
7 any comments to it.

8 Q. Okay. This identifies naming two individuals as  
9 interim co-directors. Do you know who had the  
10 ultimate decision or approval to identify and name  
11 these two individuals as interim co-directors?

12 A. I think this was a consultative process. And  
13 probably given this type of center, there  
14 probably -- or institute, there were probably a few  
15 people engaged, including the Dean of Rockefeller,  
16 the Dean of the School of Public Health, Vice  
17 President for Research, the Provost, among others.  
18 There might have been people who should have had  
19 some conversations about this and whether these were  
20 the right people to occupy this position on an  
21 interim basis.

22 Q. These two individuals, did you know their academic  
23 background before they were appointed as interim  
24 directors?

25 A. I know of them and have interacted with them, yes.

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1 Q. Were they running institutions that had  
2 been -- strike that.

3 Were they running institutions or  
4 portions of programs that had been shut down by SUNY  
5 for not being successful?

6 A. At that time, not, although later on, we did begin  
7 the process of doing away with the Center for  
8 International Development.

9 Q. Okay. These two individuals, they're, obviously,  
10 females; is that fair to say? Or identify as  
11 females?

12 A. Yes.

13 Q. Do you know their race?

14 A. I don't know what they identify as.

15 Q. Okay. At the time, do you know if they were better  
16 qualified for the position of running GIHHR than  
17 Dr. Alaei, as far as you're aware?

18 A. I have not compared the CVs of the three  
19 individuals. So, obviously, they are well-qualified  
20 and they were doing a good job at UAlbany and so I  
21 assume that's one of the reasons they were selected.

22 Q. Okay. If I can refer you to what had been  
23 previously identify as Claimant's Exhibit A, sub 11.

24 A, sub 11, specifically, I'm referring  
25 to an e-mail from James Stellar to Bruce Szelest,

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1       dated February 22, 2018. In this e-mail,  
2       Mr. Stellar identifies: "We may not need to set up  
3       a meeting of the new -- or with the new directors."

4               Do you know if there was a  
5       determination by SUNY Albany at that point that  
6       Dr. Alaei had been removed as Director of GIHHR?

7    A.   I can't tell you what the timeline is. Obviously,  
8       if Dr. Alaei was going to be removed as Director and  
9       we needed some interim leadership, those could have  
10      occurred simultaneously or within the same timeline.

11   Q.   Okay. Do you know why James Stellar was  
12      communicating with Bruce Szelest on this issue about  
13      GIHHR and Dr. Alaei?

14   A.   Sure. There's many, many people across the  
15      institution that communicate with Bruce Szelest as  
16      the Chief of Staff to the President. And so,  
17      typically, they might come -- they might come  
18      directly to me. Or if not, they go through  
19      Bruce Szelest for any issues that need presidential  
20      review and approval.

21   Q.   Okay. Is Bruce Szelest usually involved in Title IX  
22      or disciplinary investigations?

23   A.   Bruce Szelest reports to me. And when there are  
24      investigations or there are concerns or there are  
25      issues, typically they will keep Bruce Szelest

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1 informed so that Bruce Szelest informs the  
2 President.

3 Q. And so that would typically involve Title IX or  
4 disciplinary investigations?

5 A. Not necessarily. It all depends on the type of  
6 investigation, the concerns and whether this is an  
7 issue that rises to the level of the President.

8 Q. Okay. Dr. Alaei was administering certain grants  
9 and programs at the time of his alternative  
10 assignment and was prohibited from dealing with  
11 those going forward. Do you know if there was any  
12 action -- strike that.

13 Do you know what action was taken to  
14 oversee those grants and programs when Dr. Alaei was  
15 no longer able to oversee and administer those  
16 grants and programs?

17 A. I can't tell you what specific actions were taken,  
18 but I assume that with the two new interim  
19 directors, they would assume that responsibility.

20 Q. Okay. If I can refer you to what's been identified  
21 previously as Claimant's Exhibit A-13, specifically  
22 an e-mail from Chantelle Cleary to several  
23 individuals, dated March 9, 2018.

24 In this e-mail Chantelle says: "I  
25 have been asked Bruce to make this matter our top

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1 priority."

2 Are you aware of whether Bruce Szelest  
3 had conveyed to Chantelle Cleary that the  
4 investigation concerning Dr. Alaei and GIHHR was to  
5 be a top priority?

6 A. I don't know if he did or he did not. But given the  
7 situation particularly when we are deciding to close  
8 down a center or take personnel actions, we  
9 certainly don't want these types of decisions taking  
10 an extremely long time, so we want to be efficient  
11 and expedient in these matters for the -- just to  
12 make sure that all the processes are taken care of.  
13 So I don't see that this did not get to that level.

14 Q. Do you know how long usually a disciplinary  
15 investigation takes?

16 A. They vary significantly. So it could be from a  
17 matter of a few days to a few weeks to a few months,  
18 if not longer.

19 Q. Okay. Chantelle Cleary, was she the head of the  
20 Title IX office at the time?

21 A. Yes, she was.

22 Q. And how did Chantelle Cleary come to be employed by  
23 SUNY Albany as Title IX Coordinator?

24 A. That was before my time.

25 Q. Okay. Did you -- Did Chantelle Cleary report to you

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1 clear directly in her role as Title IX Coordinator?

2 A. Yes, she did.

3 Q. Did you oversee Ms. Cleary's work as Title IX  
4 Coordinator?

5 A. She reported directly to me, yes.

6 Q. Okay. If I can refer you to what's been previously  
7 identified as Claimant's Exhibit J.

8 Claimant's Exhibit J is a memorandum  
9 and order issued by the State of New York Supreme  
10 Court Appellate Division, Third Judicial Department,  
11 dated November 25, 2020. It's identified as In the  
12 Matter of Alexander M. v. Chantelle Cleary, as  
13 former Title IX Coordinator at the State University  
14 of New York.

15 President Rodriguez, let me ask you  
16 the first instance: Are you familiar with a  
17 decision issued by the Appellate Division, Third  
18 Judicial Department in the New York State Supreme  
19 Court related to the matter -- in the matter of  
20 Alexander M. v. Chantelle Cleary?

21 A. If I recall correctly, I believe the first time I  
22 heard about this was through the newspaper.

23 Q. Okay. Do you recall Ms. Cleary being subject to a  
24 lawsuit from an alleged investigation she was doing  
25 in her capacity as Title IX Coordinator, which



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1           apparently may have started in 2017?

2       A.    This occurred after she left the University, thus  
3           she was no longer an employee at University at  
4           Albany, so we had nothing to do was this.

5       Q.    So this decision states, in part: "On Friday night,  
6           September 2018 (sic), petitioner, a student at  
7           respondent State University at Albany allegedly  
8           engaged in nonconsensual sexual conduct," et cetera,  
9           et cetera.

10                   It then goes on to discuss: "Cleary  
11           provided written notice to the petitioner she was  
12           investigating the incident to determine whether he  
13           engaged in sexual misconduct and other issues."

14                   So are you aware that the underlying  
15           events at issue here occurred in 2017 while Cleary  
16           was an employee of SUNY Albany in her capacity as  
17           Title IX Coordinator?

18       A.    Again, the first time I heard about this was through  
19           a local newspaper. I have not read this document.  
20           It did not occur while Chantelle -- or this review  
21           did not occur while Chantelle was employed at the  
22           University. So I -- and I haven't read the  
23           document, so I really don't have anything to add.

24       Q.    Okay. Let me ask you a few questions about what the  
25           court held in this case, if I can refer you to page

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1           6. The first full paragraph on page 6 says: "As to  
2           the possibility of individual bias, Cleary  
3           admittedly altered the facts as reported to her."

4                       Are you aware of any concerns or ever  
5           being raised while Ms. Cleary was working at SUNY  
6           Albany as Title IX Coordinator that she was biased  
7           and altering facts that were reported to her in her  
8           investigations?

9       A. I do not know. I have no knowledge of. I have  
10       never been involved in that.

11      Q. Okay. That paragraph continues -- and my mouse  
12       arrow has start -- is over where the part where it  
13       starts. "Cleary's phrasing portrays a significantly  
14       different reading of the events" -- or excuse me --  
15       "different rendering of the event."

16                       "At the hearing, when Cleary was asked  
17       why she changed the wording, her response, in the  
18       words of the Supreme Court order, denying  
19       Petitioner's Motion for Discovery 'bordered on the  
20       incoherent.'

21                       "It is not unreasonable to question  
22       whether Cleary changed the wording, and as such, the  
23       alleged facts to correspond with the definition of  
24       sexual assault one, as found in the student code."

25                       Are you aware of any concerns being

1 raised during the time that Ms. Cleary was employed  
2 by SUNY Albany as their Title IX Coordinator, that  
3 she was changing wording or changing alleged facts  
4 that were conveyed to her to correspond with the  
5 punishment or violation she was investigating?

6 A. Since I have been employed at the University at  
7 Albany and during the time that her work at UAlbany  
8 coincided with mine, no concerns were raised to me.

9 Q. Okay. This adds that: "In addition" -- on page 7  
10 -- "in addition, Petitioner presented an affidavit  
11 from his advisor, who was present with him in his  
12 meetings with Cleary. The advisor averred that at  
13 said meeting, Cleary raised her voice, physically  
14 leaned toward Petitioner and acted in an aggressive  
15 manner."

16 Are you aware of Ms. Cleary ever  
17 acting in such a way as part of her working duties  
18 and investigations as Title IX Coordinator for SUNY  
19 Albany?

20 A. During the time that we worked together at UAlbany,  
21 I have no recollection or I never was informed of  
22 such behavior.

23 Q. Are you aware of whether SUNY Albany has looked into  
24 this underlying issue involving Alexander M. and  
25 Chantelle Cleary, concerning her investigation under

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1 Title IX regarding this specific matter?

2 A. Not that I know of.

3 Q. Okay. During her investigation concerning  
4 Dr. Alaei, did Ms. Cleary ever express an opinion to  
5 you that she believed Dr. Alaei had violated any  
6 SUNY policy?

7 A. No, she did not.

8 Q. Did she ever tell you that she believed Dr. Alaei  
9 had done what was being alleged against him as to  
10 the Title IX investigation?

11 A. She did not.

12 Q. During the course of the investigation in  
13 February 2018, my office sent a number of letters to  
14 SUNY Albany and Randy Stark concerning the  
15 investigation at that point. Did you ever review  
16 those letters?

17 A. I cannot say that I have. I don't think so.

18 Q. Okay. Do you know if SUNY Albany considered, in  
19 response to those letters, whether it had been doing  
20 anything wrong at that point concerning the  
21 treatment of Dr. Alaei?

22 A. Again, our goal and responsibility was to make sure  
23 that we abided by all guidelines and policies here  
24 at the University at Albany, SUNY's guidelines and  
25 New York State guidelines, as well as those of UUP.

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1 So as far as I know, no, there were no concerns.

2 Q. Okay. I'm going to show you what's been previously  
3 identified as Claimant's Exhibit L-2. Claimant's  
4 Exhibit L-2, if you can take a look, it's identified  
5 as Sexual Misconduct Response Report Number 18-013.  
6 And I can scroll through it, you know, quickly so  
7 you can see the whole thing and then I have specific  
8 questions about the beginning.

9 So my first question is: Are you  
10 aware of or do you recognize what this document is,  
11 generally?

12 A. I can't remember that I have seen this document, but  
13 I don't know.

14 Q. Okay. In this overview report, it talks  
15 about -- well, it says: "The following report  
16 details the University at Albany's coordinated  
17 response to a report received on February 2, 2018,  
18 from Dr. James Stellar. Specifically, the report  
19 alleges that several students reported to him that  
20 Dr. Arash Alaei has been interacting with students  
21 in violation of the separation agreement entered  
22 into with the University on blank date.

23 "This report initiated an inquiry,  
24 which resulted in a joint investigation by the  
25 Office of Equity and Compliance and the Office of

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1 Human Resources Management. The investigation  
2 focused on the following possible violations of the  
3 University at Albany policies by Dr. Kamiar Alaei."

4 And then it identifies three Roman  
5 Numerals, three possible violations identified by  
6 SUNY Albany.

7 Do those -- If you read those three  
8 Roman Numeral identified possible violations, do  
9 those refresh your memory maybe as to what the  
10 underlying basis was raised in the first instance as  
11 to the investigation concerning Dr. Alaei?

12 A. Yes, I know, generally, those were some of the  
13 concerns, yes.

14 Q. Do you know as to Dr. Arash Alaei, do you recall if  
15 he was on alternative assignment at some point?

16 A. I don't remember, no.

17 Q. Okay. In terms of Arash Alaei being --  
18 communicating with GIHHR staff and students, do you  
19 know if Dr. Arash Alaei was having correspondence  
20 with Harvey Charles, soliciting permission to  
21 communicate with individuals while he was on  
22 alternative assignment?

23 A. When is this letter date -- When is this document  
24 dated?

25 Q. I don't think it is dated.

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1                   Yeah, I don't think there is an actual  
2                   date.

3                   Yeah, I don't see any identifying date  
4                   of when the document was issued.

5                   So my question was: Do you have any  
6                   recollection or understanding of whether  
7                   Arash Alaei, while he was on alternative assignment,  
8                   was communicating with Harvey Charles about seeking  
9                   permission to have discussions with GIHHR staff and  
10                  interns?

11       A.       I believe that Arash Alaei was no longer an employee  
12               at the University at Albany when I arrived, so this  
13               probably all occurred prior to my arrival at  
14               UAlbany. So I can't comment on some things that  
15               didn't happen when I was not President of the  
16               University.

17       Q.       Okay. Understood.

18                   Let me refer you to what's previously  
19                   been identified as Claimant's Exhibit N. Claimant's  
20                   Exhibit N, specifically, I'm referring to an e-mail  
21                   dated June 13, 2017, from Arash Alaei to  
22                   Charles Harvey and then a response from --  
23                   Harvey Charles, I'm sorry, to Arash Alaei, dated  
24                   June 14, 2017.

25                   One of the issues identified was, you

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1 know, whether Dr. Kamiar Alaei was having or  
2 facilitating contact while Arash was on alternative  
3 assignment with GIHHR students. I just want to  
4 refer you to this paragraph of the June 13, 2017  
5 e-mail from Arash to Harvey Charles: "In addition,  
6 I just want to inform you that I need to have said  
7 communication with" -- and then he identifies a few  
8 students. It says: "They are GIHHR's interns and I  
9 need to have Skype meeting with them to develop  
10 grant proposals."

11 Harvey Charles responds: "I have  
12 inquired of HR and am awaiting advice in this  
13 matter."

14 Do you recall if whether during the  
15 investigation concerning Dr. Kamiar Alaei, whether  
16 it was raised or whether this prior history of  
17 discussions between Arash and Harvey Charles and HR  
18 about communications was ever raised as the basis  
19 for why Arash was having conversations with interns  
20 that people were using as a grounds to look into  
21 Kamiar Alaei?

22 A. Again, this e-mail is dated June 2017. Again,  
23 that's before my time at the University at Albany,  
24 so I don't know what the conversations were.

25 Q. Okay. Do you know who would have been responsible



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1 to see if Arash Alaei was complying with his  
2 alternative assignment terms?

3 A. There could have been at least a couple of people;  
4 his immediate supervisor and also in this case  
5 Charles Harvey, and then potentially Human Resources  
6 as well.

7 Q. Okay. Do you recall a time when Office of Human  
8 Resource Management conducted an interrogation of  
9 Dr. Kamiar Alaei?

10 A. Can you repeat that again? I'm sorry.

11 Q. Sure.

12 Do you recall when there came a  
13 time -- or strike that.

14 Do you recall a time when Office of  
15 Human Resource Management conducted an interrogation  
16 of Dr. Kamiar Alaei?

17 A. I don't know if there was an interrogation, but I  
18 know that Human Resources did meet, I believe, with  
19 Dr. Kamiar Alaei.

20 Q. Do you know if Chantelle Cleary and Title IX ever  
21 met with Dr. Alaei to go through any of the alleged  
22 allegations against him?

23 A. I do not know.

24 Q. Would it be typical for Title IX to not interview  
25 the person subject to the allegations as part of

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1           their investigation?

2       A.     I think it varies with the situation, but they could  
3           or could not. But I would assume so, but I don't  
4           know that they did.

5       Q.     Okay. If I could refer you to what was previously  
6           identified as Claimant's Exhibit C-3.

7                       Claimant's Exhibit C-3 is a letter  
8           from Young Sommer to Randy Stark, dated May 21,  
9           2018. For purposes of refreshing your recollection,  
10          it identifies that there was an interrogation  
11          between Human Resource Management and  
12          Dr. Kamiar Alaei on May 9, 2018.

13                      Does that sound about accurate, as far  
14          as you recall, that on May 9, 2018, Human Resources  
15          met with Dr. Alaei for going through questioning  
16          about the investigation issues?

17      A.     Again, the timeline, I don't know what the time  
18           would have been, so I don't know.

19      Q.     Okay. Were you told by Office of Human Resource  
20           Management the results of the discussions they had  
21           with Dr. Alaei that day?

22      A.     I know they met with Dr. Alaei. I don't think that  
23           I have information about what were the outcomes of  
24           that conversation.

25      Q.     Okay. What's on the screen here is Claimant's

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1 Exhibit C-3, a letter dated May 21, 2018. Do you  
2 recall ever reading this letter? And I could start  
3 from the beginning and go slowly through.

4 A. I don't recall seeing this letter, no.

5 Q. Okay. Do you recall if -- well, strike that.

6 Do you know if after conducting or  
7 having this meeting with Dr. Alaei, the  
8 interrogation, whether the people conducting the  
9 investigation uncovered any new information or  
10 changed course in conduct, in terms of how they were  
11 viewing the case?

12 A. Again, I know there was a meeting. I wouldn't  
13 necessarily categorize it as an interrogation. I  
14 know there was a meeting and there were discussions  
15 at that meeting. What were the outcomes? As I said  
16 before, I don't know. I think eventually we  
17 received some recommendations in terms of what would  
18 be the next steps.

19 Q. Okay. If I can refer you to what had been marked as  
20 Claimant's Exhibit H? Are you aware that there was  
21 a counseling session at one point held by Office of  
22 Human Resource Management and Dr. Alaei?

23 A. I believe so.

24 Q. Okay. And are you aware of whether there was a  
25 counseling memorandum issued by Office of Human

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1 Resource Management concerning the investigation  
2 regarding Dr. Alaei?

3 A. I would assume, as part of the process, there must  
4 have been one.

5 Q. I'm showing you what's been previously marked as  
6 Claimant's Exhibit H. Do you recall seeing  
7 Claimant's Exhibit H at any point in time before it  
8 was issued on August 9, 2018?

9 A. If I did, I don't remember. Again, I get tons of  
10 documents in my office. I can't remember all the  
11 documents that I get.

12 Q. Okay. Do you have any understanding of the findings  
13 made by Office of Human Resource Management in  
14 determining whether the allegations concerning  
15 Dr. Alaei justified imposing any discipline?

16 A. I don't recall that, no.

17 Q. Do you recall any determination by Human Resource  
18 Management whether they made any findings  
19 determining that Dr. Alaei had violated any policy  
20 or not by SUNY Albany?

21 A. I don't recall, no.

22 Q. Okay. If I can refer you to what was previously  
23 marked as Claimant's Exhibit B-8.

24 Claimant's Exhibit B-8 is a copy of a  
25 letter from SUNY Albany dated August 10, 2018,

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1 regarding notice of election to terminate  
2 Dr. Alaei's appointment. So at this point, SUNY  
3 Albany had made a determination to terminate  
4 Dr. Alaei's appointment effective August 10, 2018.  
5 Do you recall when SUNY Albany first made that  
6 determination?

7 A. Again, if you're looking for exact date or timeline,  
8 no, I do not recall.

9 Q. Was it before this letter was issued on August 10,  
10 2018?

11 A. Well, if that was the letter to not renew, it must  
12 have been before that letter.

13 Q. Was it a month or two before this letter was issued  
14 as far as you were aware?

15 A. It could have been. I can't give you a specific  
16 timeline.

17 Q. And did you ultimately make the final determination  
18 to terminate Dr. Alaei's appointment effective  
19 August 10, 2018?

20 A. As the President of the University, I am consulted  
21 on these matters, and if I have any issues or  
22 concerns or objections, then we would move forward.  
23 If I agree with the recommendation, then we would  
24 move forward.

25 Q. And it was then -- strike that.

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1                   So did someone make a recommendation  
2                   to you to elect to terminate Dr. Alaei's  
3                   appointment?

4       A.    There were discussions about this, yes. And as part  
5            of the process that I indicated before to you  
6            regarding the restructuring, reorganization of a  
7            number of offices and functions at the University,  
8            that was part of the overall discussion, yes.

9       Q.    And so what were the grounds then? You had  
10            just -- you had talked about -- you had mentioned in  
11            the past today, you know, reorganizing GIHHR,  
12            getting rid of GIHHR. Was that the reason that  
13            Dr. Alaei was -- SUNY Albany elected to terminate  
14            his appointment?

15      A.    As you may know, for these types of decisions, we  
16            don't need a specific reason to discontinue  
17            someone's employment at the University in this  
18            regard.

19      Q.    But I'm asking you what the reason was.

20      A.    And I'm telling you we don't need a particular  
21            reason to dismiss someone from the University. I'm  
22            also telling you that as part of this restructuring  
23            process, this was a critical factor in determining  
24            how we move forward with GIHHR, and the University  
25            had already made a decision that we were going to be

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1 doing away with GIHHR.

2 Q. So the determination was because SUNY Albany was  
3 getting rid of GIHHR, therefore, we're terminating  
4 Dr. Alaei's employment?

5 A. That's part of the factor, yes.

6 Q. Was there any -- What else was considered as part of  
7 that?

8 A. As far as I'm concerned, in terms of my  
9 determination, that was the factor.

10 Q. Okay. I want to backtrack here. If I can refer you  
11 to what had previously been identified as Claimant's  
12 Exhibit D-1. I'm trying to find my copy.

13 Did anyone recommend Dr. Alaei's  
14 termination?

15 A. Did someone recommend the non-renewal of his  
16 contract, you mean?

17 Q. The decision to elect to terminate his appointment  
18 effective August 10, 2018, that's what I'm referring  
19 to in this August 10, 2018 letter, the election to  
20 terminate his employment effective August 10, 2018.

21 A. Right. So, yes, there's a recommendation that's  
22 made to my office and I decide whether I move  
23 forward with that recommendation or not.

24 Q. Who made the recommendation to your office?

25 A. This has been in conversations with academic affairs

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1 because the center reported to academic affairs, the  
2 Provost.

3 Q. Okay. So Provost Stellar; is that fair to say?

4 A. Right, yeah.

5 Q. If I can refer you to what had been previously  
6 identified as Claimant's Exhibit D-1. Claimant's  
7 Exhibit D-1 includes e-mails between Brian Selchick,  
8 Chantelle Cleary, dated March 26, 2018. Take a look  
9 at these e-mails.

10 In the first e-mail at the bottom,  
11 March 26, 2018, Brian Selchick is asking Chantelle  
12 about certain information concerning Dr. Alaei. In  
13 response, Chantelle writes: "I thought we agreed he  
14 wasn't going to come back. I am confused."

15 Mr. Selchick responds: "Right," and  
16 then continues on with some information.

17 Are you aware of a determination by  
18 SUNY Albany as of March 26, 2018, or before that,  
19 that there was an agreement by SUNY personnel that  
20 Dr. Alaei was not going to come back to employment  
21 with SUNY?

22 A. It was in March or before March. There was  
23 somewhere -- sometime along those lines, yes, there  
24 was a determination.

25 Q. Okay. So at some point in March, before this



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1 March 26th determination -- or March 26, 2018

2 e-mail, there had been a determination that

3 Dr. Alaei wasn't coming back?

4 A. Again, for me, it's almost impossible to tell you  
5 what the timeline was, but the decision is correct.

6 Q. And was the decision based on the same issue you had  
7 just raised about GIHHR not being -- not moving  
8 forward with GIHHR?

9 A. That's correct.

10 Q. If I can refer you to what had been previously  
11 identified as Claimant's Exhibit L-4.

12 Claimant's Exhibit L-4, handwritten  
13 notes. Brian Selchick has stated at his deposition  
14 these are his notes. They were taken on 4/3/2018 at  
15 a meeting. The first sentence says: "How do we  
16 maintain the integrity of the non-renewal with or  
17 without NOD interrogation?" Then it says: "Goal is  
18 to make sure he does not come back."

19 So would these statements by  
20 Mr. Selchick from this meeting be consistent with  
21 what you just said that there was a determination to  
22 not bring Dr. Alaei back to employment at SUNY  
23 Albany?

24 A. Well, I haven't seen these notes previously, but  
25 clearly, as I said before, there was a process in

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1           which we decided that we would not move forward with  
2           Dr. Alaei's contract.

3       Q.    Okay. Now, is there a distinction in your mind  
4           between terminating Dr. Alaei's contract effective  
5           August 10, 2018, and non-renewing Dr. Alaei's  
6           employment?

7       A.    No.

8       Q.    Okay. If I can refer you to what's been previously  
9           identified as Claimant's Exhibit B-1.

10                   Claimant's Exhibit B-1. Claimant's  
11           Exhibit B-1 purports to be a letter dated April 27,  
12           2018 to Provost James Stellar from  
13           Dean Harvey Charles, subject: Kamiar Alaei. "I'm  
14           writing to recommend that Dr. Kamiar Alaei's  
15           appointment be non-renewed; that it be not extended  
16           beyond its current termination date."

17                   Are you aware of this letter or did  
18           you have any review of this letter at any point in  
19           time before?

20       A.    I knew the letter was there, yes.

21       Q.    Okay. Do you know if Dr. Charles wrote this letter?

22       A.    It's coming from him.

23       Q.    Do you know if he actually wrote this letter?

24       A.    I don't know who wrote the letter.

25       Q.    If I can refer you to what's been previously

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1 identified as Claimant's Exhibit B-3.

2 Claimant's Exhibit B-3 is a series of  
3 e-mails between Bill Hedberg and Harvey Charles  
4 dated 4/28/2018. It appears that Mr. Hedberg was  
5 reaching out to Dr. Charles about signing a  
6 non-renewal for Kamiar Alaei?

7 Harvey Charles, however, advises  
8 William Hedberg as follows: "I'm looking at the  
9 letter of non-renewal and it's actually a  
10 recommendation from me to the Provost. As you know,  
11 I know practically nothing about this situation and  
12 I feel uncomfortable making a recommendation to the  
13 Provost without a basis to do so. Could this be  
14 handled differently?"

15 Were you aware, at the time, of  
16 Dr. Charles' position about not feeling comfortable  
17 making a recommendation, as he had no basis to do  
18 so?

19 A. No, I was not.

20 Q. If I can refer you to what's been previously marked  
21 as Claimant's Exhibit B-4. Claimant's Exhibit B-4  
22 is a series of e-mails between William Hedberg,  
23 Harvey Charles, Randy Stark, James Stellar. In  
24 this -- And I'm focusing on an e-mail from May 2,  
25 2018, at 5:00 p.m. from Harvey Charles. And it

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1 says: "I'm writing to let you know that  
2 Bill Hedberg sent me both the HRM-3 for Kamiar, as  
3 shown in this attachment, and a letter addressed to  
4 the Provost from me recommending," underlined, "that  
5 Kamiar not be renewed. I declined to sign that  
6 letter because I have no information that can be  
7 used as a basis to recommend," underlined, "that  
8 Kamiar not be renewed. I'm not seeking such  
9 information, since it is clear to me that the  
10 Provost has decided to not renew Kamiar's contract."

11 Are you aware that Dr. Charles'  
12 feeling that he was not, you know, willing to  
13 recommend that Kamiar not be renewed, but that he  
14 was agreeing to do it because the Provost -- his  
15 belief that the Provost was deciding not renew  
16 Kamiar's contract?

17 A. I have not had any conversations with either  
18 Dr. Charles or Dr. Stellar regarding this matter.  
19 So whatever conversations took between  
20 them -- placed between them, I don't know about.

21 Q. Okay. According to this e-mail, Harvey Charles  
22 believes that the Provost was deciding not to  
23 non-renew. Are you aware of the Provost supporting  
24 the effort or ultimately pushing the effort to  
25 non-renew Dr. Alaei?

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1 A. This is, as I said -- stated before, this is  
2 academic affairs matter, because the center reports  
3 to academic affairs. So clearly, Dr. Charles,  
4 Dr. Stellar had to be involved in this conversation.

5 Q. Okay. Is it common, as far as you're aware, in your  
6 experience with non-renewal matters, that the  
7 Provost be pushing non-renewal and that -- when it's  
8 not supported by the supervisor of the employee,  
9 subject to the non-renewal?

10 A. Well, I'm not sure if this was supported or not by  
11 the supervisor, but yes, we make changes quite  
12 frequently, and I enumerated a number of those  
13 changes. And those changes can emerge at different  
14 levels, whether it be the unit, whether it be the  
15 college, the school, or in this case, academic  
16 affairs.

17 Q. But is it typical in a non-renewal where, you know,  
18 here, Harvey Charles was the direct supervisor of  
19 Dr. Kamiar Alaei, but he was not recommending or  
20 pushing non-renewal, but it was the Provost. Is  
21 that typical that non-renewal be sought when the  
22 direct supervisor doesn't support or recommend  
23 non-renewal?

24 A. Again, I think in my career in higher education,  
25 I've seen all sorts of different types of processes.

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1 So is this any different? No. Can it happen? Yes.  
2 Can it happen a different way? Of course.

3 Q. If I can show you what's been previously identified  
4 as Claimant's Exhibit B-6.

5 Claimant's Exhibit B-6 is an e-mail  
6 from William Hedberg to Kamiar Alaei, CCing  
7 Harvey Charles and James Stellar. Basically -- and  
8 it's dated May 14, 2014, I'm sorry.

9 Basically, this e-mail reflects that  
10 Kamiar Alaei is being notified that the Provost  
11 signed off on the form from Dr. Harvey Charles for  
12 non-renewal. It then says: "The next step in this  
13 process, for the President to review the file, make  
14 a decision." However, it's notifying Dr. Alaei he  
15 has time to submit a statement in response.

16 So do you know the basis for the  
17 Provost to sign off on non-renewing Dr. Alaei?

18 A. Again, I think you should have a conversation with  
19 the Provost. I'm not going to put words in  
20 Dr. Stellar's mouth.

21 Q. So he never communicated that decision to you, the  
22 basis of his decision?

23 A. Of course, we had a number of conversations about  
24 this and other reorganizations in academic affairs,  
25 but you are asking me specifically what did the

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1 Provost say. I think that's a question for the  
2 Provost, not for the President.

3 Q. So as you sit here, you're not able to answer a  
4 question about what the Provost told you about his  
5 reason for signing non-renewal of Dr. Alaei?

6 A. There was a process. There was a review process.  
7 The Provost and I had conversations about the  
8 organizational structure of GIHHR, whether GIHHR  
9 should move forward or not. And then in terms of if  
10 GIHHR was no longer going to exist as an institute,  
11 then we would have to make some personnel decisions  
12 as well.

13 Q. Okay. Attached to this letter -- and it's referred  
14 to about Dr. Alaei having time to submit a  
15 statement. Attached as part of Claimant's Exhibit  
16 B-6 is a letter dated May 8, 2018, to  
17 William Hedberg. And you can scroll through and see  
18 it's from Dr. Alaei.

19 Did you review this letter concerning  
20 Dr. Alaei seeking to provide his response in terms  
21 of the change of status form to non-renew his  
22 University employment?

23 A. It probably should have been in the documents that I  
24 received with the entire case for my review, but I  
25 just can't recollect that e-mail specifically.

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1 Q. Do you recall reading this letter before you decided  
2 whether or not to approve non-renewing Dr. Alaei's  
3 appointment?

4 A. Again, I had a number of documents that should have  
5 been in my package, but can I tell you specifically  
6 that I read this letter? I assume so, but I can't  
7 remember the details, particularly because we're  
8 scrolling down through it very quickly.

9 Q. Okay. I can go through it slowly, if you prefer.  
10 That's fine. If you don't recall reading it, you  
11 don't recall. If you want to go through it, that's  
12 fine, too.

13 A. I don't think it's going to make a difference.

14 Q. Okay. Do you recall anything standing out from the  
15 letter, as you sit here, about reasons why you  
16 should seek to renew Dr. Alaei versus non-renew?

17 A. No, I do not.

18 Q. Okay. Did you subsequently approve the non-renewal  
19 of Dr. Alaei?

20 A. Yes.

21 Q. Okay. And what was your reasoning for approving the  
22 non-renewal again? Was it the restructuring of  
23 GIHHR? Is that really what it was the whole time?

24 A. From my perspective, yes.

25 Q. If I can refer you to what had been identified as



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1 Claimant's Exhibit E-2. Do you recall what  
2 Dr. Alaei's appointment was?

3 A. (No response.)

4 Q. President Rodriguez, do you recall what Dr. Alaei's  
5 appointment was?

6 A. He was director of GIHHR.

7 Q. I'm showing you what's been identified as Claimant's  
8 Exhibit E-2, which is a letter dated April 16, 2014,  
9 from SUNY Albany to Dr. Kamiar Alaei.

10 I'm going to show you what's been  
11 previously identified as Claimant's Exhibit E-1.  
12 Claimant's Exhibit 1 includes a letter, dated  
13 December 4, 2017, to Dr. Alaei from James Stellar.  
14 It says: "Based on a recommendation from your  
15 Department Chair and Dean, it is my pleasure to  
16 confirm the renewal of your appointment as a  
17 Clinical Associate Professor to the Department of  
18 Health Policy, Management and Behavior."

19 If you scroll down, there is an HRM-3  
20 letter or form, and there's handwritten notes that  
21 say: "Two other complementary appointments;  
22 Director of GIHHR and Research Professor in the  
23 Department of Public Health and Affairs."

24 Do you recall what Dr. Alaei's main  
25 appointment was?

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1 A. Well, if this is correct, he was Director of GIHHR  
2 and then he had an appointment as a Professor,  
3 Research Professor in Rockefeller College.

4 Q. So he had, according to this, Director of GIHHR, but  
5 Research Professor, Department of Administration and  
6 Policy -- and if this comes up. I'll come back to  
7 it. Sorry. Hold on a second.

8 Okay. Do you recall when the issue of  
9 non-renewal came up regarding Dr. Alaei, an issue of  
10 getting one year versus two year of additional  
11 employment time?

12 A. There was that conversation, yes.

13 Q. Okay. Do you recall, ultimately, it was decided  
14 that Dr. Alaei was only entitled to one year of  
15 additional employment versus two?

16 A. That's correct.

17 Q. Do you recall the basis of that decision?

18 A. It was reviewed, and it was reviewed by legal  
19 counsel both at UAlbany and at SUNY, SUNY system,  
20 and they said that would be a decision we could  
21 uphold.

22 Q. Do you recall if any opinions were issued by Office  
23 of Human Resource Management about that issue?

24 A. I can't recall. I think that they were part of the  
25 conversation, and I know that at the end of the day,

1 we ended up with one year, rather than two.

2 Q. Okay. If I can refer you to what was previously  
3 identified as Claimant's Exhibit E-2. And this is a  
4 letter from SUNY Albany, dated April 16, 2014, to  
5 Dr. Kamiar Alaei.

6 This letter says: "It's my pleasure  
7 to offer you an appointment to the University at  
8 Albany as a Research Associate Professor and  
9 Lecturer in the Department of Public Administration  
10 and Policy, Rockefeller College of Public Affairs  
11 and Policy."

12 It then continues and says: "In this  
13 appointment" -- no, I'm sorry. It says: "You will  
14 have three complementary non-stipendiary  
15 appointments in addition to your professional  
16 appointment in Rockefeller College. You'll continue  
17 to serve as Director of GIHHR." It talks about his  
18 role. "In addition, you will hold a courtesy  
19 affiliation appointment in the School of Public  
20 Health and the School of Criminal Justice."

21 So based on this letter, is it fair to  
22 say that his -- Dr. Alaei's appointment was actually  
23 as an Associate Professor and Lecturer in the  
24 Department of Public Administration and Policy at  
25 the Rockefeller College?

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1 A. In the quick review that I did of his letter, he has  
2 a Research Associate Professor appointment and a  
3 Lecturer in Rockefeller College and Director of  
4 GIHHR.

5 Q. Okay. So when SUNY Albany ultimately determined to  
6 exercise its right to terminate his employment  
7 effective August 10, 2018, why wasn't Dr. Alaei able  
8 to continue on with his appointment as a  
9 Lecturer -- or sorry, as a Research Associate  
10 Professor and Lecturer with Rockefeller College of  
11 Public Affairs and Policy?

12 A. Are you asking -- What are you asking again? I'm  
13 sorry.

14 MR. CASTIGLIONE: Can you read back  
15 the question, please, Debbie?

16 (The previous question was read back.)

17 A. When we terminated his appointment and decided not  
18 renew his appointment, he was terminated as an  
19 employee of the University at Albany.

20 Q. So the issue of restructuring GIHHR, that would have  
21 prohibited Dr. Alaei from continuing on with his  
22 appointment as a Research Associate Professor and  
23 Lecturer with the Rockefeller College?

24 A. Not necessarily, but in this case, it did.

25 Q. Okay. So why did SUNY Albany decide to not allow

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1 Dr. Alaei to continue as a Research Associate  
2 Professor and Lecturer with Rockefeller College,  
3 separate and apart from GIHHR responsibilities, if  
4 it was being canceled?

5 A. The decision was to terminate Dr. Alaei's contract  
6 with the University at Albany.

7 Q. Why?

8 A. I just explained -- I just went through the entire  
9 iteration of why we did this.

10 Q. Was -- And I'm asking you. You had said it was  
11 based on SUNY decided to -- SUNY Albany decided to  
12 terminate GIHHR. And I was asking, well, couldn't  
13 Dr. Alaei have continued as Research Associate  
14 Professor and Lecturer? And your response was:  
15 SUNY Albany decided to terminate him?

16 A. Right.

17 Q. And I'm asking why did they decide to terminate him?

18 A. For the very same reason that I explained to you.  
19 We decided that we were not going to move forward  
20 with his employment at the University at Albany,  
21 generally speaking, and with the -- as Director of  
22 GIHHR.

23 Q. So you just made a determination, just we're  
24 deciding to terminate Dr. Alaei, that's it, no  
25 reason, just we're done?

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1 A. Based on the authority that we have, we don't need a  
2 reason as an institution to give a reason for  
3 termination.

4 Q. Right. But I'm asking in the context of this  
5 lawsuit what the reasoning was. And so I'm just  
6 trying to get it on the record so it's clear. If  
7 the reasoning is just we decided he was not to  
8 continue employment, that's the reasoning you're  
9 giving, that's it?

10 MR. ROTONDI: Object to the form of  
11 the question. He's answered this question.

12 MR. CASTIGLIONE: It's just not been a  
13 clear response. So I'm fine with moving on.

14 BY MR. CASTIGLIONE:

15 Q. As to the issue of one year versus two years, this  
16 Claimant's Exhibit E-2, this April 16, 2014 letter,  
17 it says: "Your initial appointment will be for  
18 three years, commencing May 1, 2014." It talks  
19 about 12-month full-time obligation.

20 It then says: "To give you the  
21 security of at least two years of employment, the  
22 employment will be reviewed annually for possible  
23 extension by another year."

24 Do you recall reviewing this language  
25 as part of your decision about whether Dr. Alaei was

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1 entitled to one year versus two years?

2 A. Yes, I believe this was part of the documents I  
3 reviewed.

4 Q. Okay. And your reading of this language, this was  
5 the basis for saying he was only entitled to one  
6 year versus two years of continued employment?

7 A. We reached a determination after consultation with  
8 legal counsel at UAlbany and at SUNY system that one  
9 year would be what the University would offer  
10 Dr. Alaei, yes.

11 Q. Okay. And you're aware that Dr. Alaei's affiliation  
12 with GIHHR and that title was an unpaid affiliation?

13 A. I can't say that I know that it was or it wasn't. I  
14 haven't reviewed his contract.

15 Q. Okay. If I can refer you to what's been previously  
16 identified as Claimant's Exhibit D-2?

17 Claimant Exhibit D-2 is an e-mail  
18 between Randy Stark and others dated July 6, 2018.  
19 If you could review this e-mail.

20 This e-mail states, in part, that  
21 Mr. Stark had made a determination that the sexual  
22 misconduct allegations were unfounded. Do you  
23 recall Mr. Stark conveying that information or his  
24 determination to you?

25 A. As I indicated initially, after a report from legal

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1           counsel, that's what we found -- that's what legal  
2           counsel found in consultation with Human Resources,  
3           yes.

4       Q.    Okay. Mr. Stark identifies: "But for what purpose,  
5           as we are going to non-renew him and buy him out."

6                        So it seems to be a distinction  
7           between non-renewing and buying somebody out. Are  
8           you familiar with what Mr. Stark is referring to  
9           here?

10     A.    I am.

11     Q.    Okay. Had a determination been made already as of  
12           July 6, 2018, that SUNY Albany was obviously  
13           non-renewing, but also buying out Dr. Alaei?

14     A.    That was part of the conversations, yes.

15     Q.    Okay. As to the one year versus two-year issue, do  
16           you know -- we discussed earlier, you know  
17           Kevin Williams is?

18     A.    Yes, I do.

19     Q.    Do you know if Mr. Williams has been an employee and  
20           working at SUNY for 30 years or so?

21     A.    Yeah, he's been here a long time.

22     Q.    As part of your determination about whether  
23           Dr. Alaei was entitled to one year versus two, did  
24           you happen to review an e-mail from Dr. Williams,  
25           dated May 31, 2017, which I'm about to show you as



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1 Claimant's Exhibit E-4, discussing the concept of  
2 evergreen appointment and what the terms of the  
3 contract were?

4 A. That's May 31, 2017. I was not President here at  
5 the University as of yet.

6 Q. But in terms of the contract for Dr. Alaei, which  
7 was 2014, did anyone consult with Mr. -- or  
8 Provost Williams about, you know, what the terms of  
9 the contract meant?

10 A. Dean Williams --

11 Q. Dean Williams.

12 A. He has -- He has no part in this process, right?  
13 This is academic affairs. This is Human Resources.  
14 And they coordinate. And whether Provost Stellar  
15 consulted with Dr. Williams, you would have to ask  
16 him. But -- and so the decision-making process,  
17 Dr. Williams really had -- plays no role.

18 Q. Okay. If I can refer you to what had been  
19 identified as Exhibit I, sub 4. I'm showing  
20 you -- it's an e-mail from Bruce Szelest, dated  
21 July 23, 2018, to several others. It states:  
22 "President has okayed proceeding as we laid out in  
23 last meeting. Counseling memo, counseling letter  
24 and non-renewal and then buyout per UUP contract.  
25 Update GIHHR website."

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1 Do you recall the meeting at issue  
2 here in this July 23, 2018, e-mail?

3 A. What meeting are you referring to?

4 Q. In this e-mail, Bruce Szelest says: "President has  
5 okayed proceeding as we laid out in last meeting"?

6 A. All right. You mean my conversation with Bruce  
7 regarding the plan, in terms of how to move forward,  
8 right?

9 Q. Yes.

10 A. Okay.

11 Q. So the determination had been made and this was your  
12 following through with it and this is what  
13 was -- the course of conduct to finish this up,  
14 there was going to be a counseling meeting and then  
15 a counseling letter and then formal non-renewal and  
16 whatnot?

17 A. Those were the recommendations that were made to me.  
18 I reviewed them and then we gave the okay to  
19 proceed -- or I gave the okay to proceed, yes.

20 Q. Are you aware of any other alternative assignments  
21 or disciplinary investigations during your time at  
22 SUNY that resulted in non-renewal and termination of  
23 the employee, even though it was decided there was  
24 no basis to impose discipline?

25 A. We've been through a number of changes which have

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1       resulted in alternative assignment. So part of the  
2       restructuring process that I mentioned to you  
3       previously, when we decided that we were going to  
4       establish the Office of Enterprise Risk Management,  
5       we did not need a Vice President for compliance,  
6       which we had. That person was put on alternative  
7       assignment and exited -- eventually exited the  
8       University.

9               When I decided that I was going to  
10       integrate the Office of Communications and Marketing  
11       into advancement, we no longer needed the  
12       President -- the Vice President for Communications  
13       and Marketing, so we put him in alternative  
14       assignment and then he exited the University. And  
15       now we're in a similar process with another unit on  
16       campus.

17              So alternative assignments are not  
18       unusual to allow people to transfer out of the  
19       University, if that is the final decision that we've  
20       made.

21    Q.   No, but my question is about disciplinary pro -- the  
22       specific disciplinary investigations when somebody's  
23       put on alternative assignment because of that. Are  
24       you -- Do you recall any instances where somebody  
25       was on alternative assignment because of a

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1 disciplinary investigation and they were ultimately  
2 non-renewed and their employment terminated, even  
3 though it was decided there was no basis to impose  
4 discipline against those individuals?

5 A. I really would have to review because I don't know.

6 Q. You don't know?

7 A. Yeah.

8 Q. Do you know if there were any non-Middle Eastern  
9 females that were subject to alternative assignments  
10 based on disciplinary investigations that were  
11 subsequently non-renewed and terminated, even though  
12 there was a decision that there was no basis to  
13 impose discipline?

14 A. Not that I recall.

15 Q. What about the same for non-Middle Eastern males?

16 A. I don't recall. I don't know. I mean, we would  
17 have to go through the history of the University in  
18 order to identify those cases. There might be some  
19 and there might not be. I don't know what the  
20 answer to that question is.

21 MR. CASTIGLIONE: Anthony, I'm just  
22 going to need a minute or two to go through my  
23 notes and then we can wrap up.

24 MR. ROTONDI: Yeah, that's fine.

25 (Whereupon, a recess is taken.)

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1 MR. CASTIGLIONE: President Rodriguez,  
2 I don't have anymore questions. Thank you for  
3 your time.

4 (Transcript requests are as follows.)

5 MR. CASTIGLIONE: Standard delivery,  
6 E-mail only.

7 (Whereupon, the above-titled matter  
8 was concluded at 3:30 p.m.)  
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I N D E X P A G E

WITNESS:

HAVIDAN RODRIGUEZ

EXAMINATION BY MR. CASTIGLIONE 4

E X H I B I T S

EXHIBIT	DESCRIPTION	PAGE
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(Whereupon no exhibits were marked.)

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C E R T I F I C A T I O N

STATE OF NEW YORK:  
COUNTY OF WARREN:

I, Deborah M. McByrne, do hereby certify that the foregoing testimony was duly sworn to; that I reported in machine shorthand the foregoing pages of the above-styled cause, and that they were prepared by computer-assisted transcription under my personal supervision and constitute a true and accurate record of the proceedings;

I further certify that I am not an attorney or counsel of any parties, nor a relative or employee of any attorney or counsel connected with the action, nor financially interested in the action.

WITNESS my hand in the City of Queensbury,  
County of Warren, State of New York



DEBORAH M. McBYRNE  
Court Reporter

## HAVIDAN RODRIGUEZ

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## 1 DECLARATION/WITNESS CERTIFICATION

2 Case: Alaei v. State University of New York

3 Witness: Havidan Rodriguez

4 Deposition Date: April 12, 2021

5 I declare under penalty of perjury that I  
6 have read the entire transcript of my Deposition  
7 taken in the captioned matter or the same has  
8 been read to me, and the same is true and  
9 accurate, save and except for changes and/or  
10 corrections, if any, as indicated by me on the  
11 DEPOSITION ERRATA SHEET hereof, with the  
12 understanding that I offer these changes as if  
13 still under oath.

14 \_\_\_\_\_  
15 HAVIDAN RODRIGUEZ

16 Sworn to before me, this \_\_\_\_ day  
17 of \_\_\_\_\_ 20\_\_\_\_ .

18 [ \_\_\_\_\_ ](print)  
19 Notary Public.

20 Registration No: \_\_\_\_\_

21 State of \_\_\_\_\_

22 Qualified in \_\_\_\_\_ County.

23 My commission expires \_\_\_\_\_.



## HAVIDAN RODRIGUEZ

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## 1 DEPOSITION ERRATA SHEET

2 Case: Alaei v. State University of New York

3 Witness: Havidan Rodriguez

4 Deposition Date: April 12, 2021

## 5 Reason Codes:

6 1: To clarify the record

7 2: To conform to the facts

8 3: To correct transcription errors.

9 PAGE/LINE

10 CORRECTION

11 REASON CODE

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## DEPOSITION ERRATA SHEET

PAGE / LINE

## CORRECTION

REASON CODE

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\_\_\_\_\_ Subject to the above changes, I certify  
that the transcript is true and correct.

\_\_\_\_\_ No changes have been made. I certify that  
the transcript is true and correct.

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